

****NOT FOR PRINTED PUBLICATION ****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DAIRYLAND COUNTY MUTUAL §
INSURANCE COMPANY OF TEXAS, §
§
Plaintiff. §
§
v. § Case No. 4:14cv40
§ (Judge Clark/Judge Mazzant)
OSCAR E. ORTEGA CASTRO, §
§
Defendant. §

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 11, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Default Judgment [Doc. #9] be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that Plaintiff's Motion for Default Judgment [Doc. #9] is **GRANTED**.

It is further **ORDERED** that:

- (1) The policy of insurance issued to Oscar E. Ortega Castro by Dairyland County Mutual

Insurance Company, policy number 434560296, with a policy period of November 29, 2012, to November 29, 2013 (“Policy”) was procured by representations made by Oscar E. Ortega Castro which were false; made with knowledge of their falsity with the purpose of inducing Dairyland to issue the Policy; the representations were material to the risk and the policy would not have been issued but for the false representations;

(2) That the Policy shall be and hereby is VOIDED as of its inception and as if it had never been issued;

(3) That Plaintiff Dairyland County Mutual Insurance Company owes no obligation or benefits to Oscar E. Ortega Castro under the Policy for any claim, whether asserted by Oscar E. Ortega Castro and/or any other person or entity, as a result of the vehicular accident on or about September 20, 2013.

All motions not previously granted are **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

So ordered and signed on

Jul 17, 2014



Ron Clark, United States District Judge